THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.15684 of 2007

Date: 30.07.2007

Between:
I.Mallesham and others.

....Petitioners

and

The Commissioner & Director of Marketing.

....Respondents

O R D E R:

The petitioners were granted weighmen licences by the Agricultural Market Committee, the second respondent herein, on 08.05.2004 under Rule 49 of the Andhra Pradesh (Agricultural Produce & Livestock) Markets Rules, 1966 (for short 'the Rules'). Hardly before they started functioning as weighmen, the Commissioner and Director of Marketing, the first respondent herein, kept the licences issued to the petitioners in abeyance, through proceedings, dated 27.05.2004. The petitioners filed W.P.No.9602 of 2004 before this Court challenging the said proceedings. An interim order was granted initially and thereafter, the writ petition was allowed on 16.11.2006.

The petitioners submitted applications for renewal of their licences under Rule 50 of the Rules. Their grievance is that though several months have elapsed ever since they submitted their applications, no action has been taken thereon by the second respondent and they seek relief in this regard.

Heard the learned counsel for the petitioners, the learned Government Pleader for Agriculture and the learned standing counsel for the second respondent.

Rule 50 of the Rules mandates that an application for renewal of the licence issued to a weighman must be submitted fifteen days before the date of expiry. The Market Committee is placed under obligation to consider the application and pass orders, within fifteen days thereafter. Irrespective of the date of issuance, the licence expires on 31st March of every year and an application for renewal thereof must be made before 15th March of the subsequent year. Viewed from that angle, the applications submitted by the petitioners on 30.05.2007 cannot be said to be in accordance with Rule 50 of the Rules.

The petitioners complain that the second respondent did not take any steps after this Court allowed W.P.No.9602 of 2004 and on the other hand, in spite of their demand, the second respondent did not furnish the renewal forms.

It is a matter of record that soon after the petitioners are issued licences, the first respondent kept them in abeyance. That necessitated the filing of a writ petition. The petitioners were functioning on the strength of the interim order passed therein and thereafter, the writ petition itself was allowed. In this background, the petitioners were not expected to strictly adhere to the schedule of submission of applications for renewal as provided for under Rule 50 of the Rules. At any rate, there is a serious allegation by the petitioners that renewal forms were not furnished to them. The very fact that the petitioners approached this Court, soon after their licences were kept in abeyance, clearly suggests that they

were vigilant in pursuing their remedies.

For the foregoing reasons, the writ petition is disposed of, directing the second respondent to pass appropriate orders on the applications submitted by the petitioners for renewal of the licences, within a period of fifteen days from the date of receipt of a copy of this order. There shall be no order as to costs.

_____

30.07.2007

kdl

-

-